

# Neighborhood Grapevine

News from the City of Milwaukee's  
Department of Neighborhood Services



Timothy J. Brophy's booking photo from Milwaukee Police Department

## **Fugitive Landlord Charged with Hiding Under Tenant's Bed to Avoid 2nd Arrest**

A Whitefish Bay landlord, who owns nearly 100 properties in Milwaukee, was arrested a second time for failure to pay up his over due municipal court fines for building code violations. He faces new criminal charges resulting from the arrest.

Timothy J. Brophy, Jr. was arrested August 24th for failure to pay an estimated \$69,000 in past due fines. During the arrest he allegedly fled the arresting officers and broke into a tenant's up-stairs apartment and hid under her bed. Brophy is now facing additional charges in connection with fleeing the officers.

He was first arrested May 17th for failure to pay the City an estimated \$120,000 in past court fines. At the time of his first arrest, Brophy also owed the City between \$136,000 to \$200,000 in past due property taxes. Brophy's failure to pay his fines and his past record of nearly 600 open violations at the time of his May arrest, prompted the Department to make a request to Milwaukee Police for his re-arrest on new open warrants. In May, Brophy also had open warrants in the cities of Wauwatosa and Shorewood.

Brophy was first arrested in his Lincoln Navigator near his lake front home on North

**Brophy busted see page 2**

## **Court Reaffirms DNS Use of Reinspection Fee**

In a major victory for neighborhoods, community groups and taxpayers, a Milwaukee Circuit Court judge ruled this week that DNS can assess a special reinspection fee to problematic property owners who fail to make required repairs on their property in a timely manner. The Department assess a sliding scale fee after a reinspection shows the required work is not done. The fee increases with time, \$50 for the first reinspection, \$75, \$150 and \$300 for the four and subsequent inspections. Most reinspections are done on a 30 day basis. The average case has 1.5 reinspections before it is closed.

The decision is hailed as a victory for an effective tool to preserve Milwaukee's aging housing stock. Inspectors have routinely praised the reinspection fee as a great motivator to get owners to make repairs. "Our ability to get repairs made before and after the reinspection fee code is like night and day," observed plumbing inspector Brian Vincent.

The suit was funded at least in part by the Apartment Association of South Eastern Wisconsin, although many members of that group appear to be unaware of that fact or aware of the amount that was spent. "I hope that the AASEW will now devote its time and funds towards improving our housing stock instead of trying to strip DNS of one of our best methods of dealing with code violators," said Commissioner Martin G. Collins. "Code enforcement improves the value of our neighborhoods and that benefits landlords and homeowners alike," added Collins.

In ruling for the City Circuit Court Judge Richard Sankovitz found that the code was a legal regulatory device and not primarily for revenue enhancement.

Community leaders hailed the reinspection fee as a strong "motivator" to get timely results in distressed neighborhoods. Fred Curzan of the Milwaukee City-wide Housing Coalition said, "The fee helps neighborhoods that are doing the regular maintenance and repairs to their property. Landlords that delay those repairs slow down the rehab efforts of the entire block. That causes blight and destabilizes neighborhoods with high transients and low home ownership." ☺

## Pictures from the field:



**What's wrong here?** This is a temporary kitchen connection. That should be a big clue as to what's wrong!

**Answer:** The user here selected the right kind of hose. The standard variety garden hose could leach PVC's into the drinking water. The problem begins with strapping a plumbing tree to an electrical box. A little spray could have shocking results. Look closer and you'll see the lack of a back-flow connector. The main T is protected, but none of the branch T's. As a result, contamination could cross into the branch even though the back-flow is on the main line. All lines need a back-flow preventer! ☹

## Some Bars to Get Increase in Occupancy From Code Change

This spring a number of high profile citations for overcrowding at bars and night clubs got the attention of owners and council members.

The council moved to limit the size of the fines when the penalties started to exceed nearly \$39,000. Under the new rules penalties were capped at \$10,000 for the first offense, \$15,000 for the second offense in a calendar year and \$25,000 for the third and each subsequent offense in a calendar year.

Meetings were held between the bar owners, city officials and enforcement agencies. The dialog was two-way as officials explained the factors that limit capacity. Owners seeking to increase their capacity questioned the old rules. Many were seeking a modernization of the formula to include the new sidewalk cafes.

The Construction section of DNS which does the capacity enforcement after the plan review from the Development Center created a packet to allow owners of older clubs to have their capacity reviewed under the International Building Code (IBC). DNS also recommended to the council to increase the number of patrons allowed per toilet fixture to match the current code for new construction. While the new limit will help mostly smaller older venues, it will create more uniformity for calculating capacity.

The three primary factors that limit capacity are area, number of exits and toilet fixtures. Fines are calculated on the number of people over at a rate of \$244 for first person over and \$144 for each person thereafter. ☹



Mayor Barrett, Alderman, DNS, Police, City Attorney and community leaders gather in front of a Brophy property to underscore the impact of unresponsive landlords.

## BROPHY BUSTED from page 1

Lake and Silver Spring Drives. While he sat in jail, City leaders herald the arrest as a victory for some ravaged neighborhoods and a warning to other convicted landlords to heed their legal obligations.

Particularly critical was Alderman Mike D'Amato whose district includes the Riverwest area which has been hit particularly hard by Mr. Brophy's operations. "Mr. Brophy is a criminal," said Ald. D'Amato while standing in front of one of Brophy's dilapidated properties on N. 2nd St. Ald. D'Amato added, "The City has gone to great lengths to allow Mr. Brophy an opportunity to comply with numerous code violations at his properties, but he has chosen to all but ignore those orders. This is no small matter – irresponsible landlords can truly ruin a neighborhood."

Mayor Tom Barrett said the city can't expect neighborhoods to be strong and safe if properties are allowed to deteriorate and landlords continue to be neglectful. "We will not tolerate those who flout the law and allows neighborhoods to deteriorate," Barrett said.

In April of 2004 the local community newspaper *Riverwest Currents* profiled the poor job Brophy was doing of managing his properties there. Brophy's defense attorney Harvey Goldstein, wrote a defensive rebuttal claiming his client was not the "worst landlord in the area – instead, he would like to be the best." Goldstein further added the "best test is to watch the progress on his properties before you judge him. This will be the best test as to whether he keeps his promise to the community," said Goldstein in the article.

Well, the City and the neighborhood did watch and a year later the balance due grew to over \$100,000 in past due fines resulting from convictions in 59 cases. That is when the decision was made to make the initial arrest. By May 20, 2005 the City had collected \$75,897 from Brophy. Municipal court Judges Mosley and Hill granted further extensions on the remainder of the bill \$64, 500 which came due mid-August. Judge Hill refused an extension and a warrant for Brophy's 2nd arrest was issued.

Brophy also appeared in the October 2004 Milwaukee Magazine's list of the top 10 landlords with the highest percentage of complaints per property owned. ☹





left to right : Ricardo Lopez, Corey Schuett, Doug Berigan, Pete Laritson, Larry Pearson, Heidi Weed.

## Welcome Aboard to New Hires

**Rico Lopez** was a BI intern writing up litter complaints. He then left to become a DPW-Inventory Assistant III and then returned as a Residential Inspector. His spare time is filled with his wife and three kids which he calls a full house.

**Korey Schuett** was hired as a Residential Code Enforcement inspector. He graduated from UW-Milwaukee with a Bachelor of Science in Architectural Studies. He says he's glad to be working in a field that is rewarding and positively affects his community. His hobbies are running, biking, tennis, football, and the outdoors.

**Doug Berigan** is now a Residential Inspector after fourteen months as a DNS nuisance inspector. Doug, who is engaged to be married in 2006, has been a member of the Milwaukee Hurling Club for nine years. Ask him for the best way to throw stones!

**Peter Laritson** started his second stint with DNS in March, 2005. He left his previous position as a Zoning Inspector for the city of Madison because he recently married an MPS teacher. His hobbies include golfing and scuba diving. He's happy to be back after nine years away from DNS!

**Larry Pearson**, Residential Inspector, formerly worked as a Master Electrician. He and his wife, Margie, have two sons, Jay and Brent, and a daughter, Kelly. He enjoys electrical contracting and camping.

Residential Inspector **Heidi Weed** was last year's condemnation/zoning intern. She holds a masters degree in urban planning from UWM. She and her husband, Ryan, have a German shepherd named Kaine. Heidi's hobbies include gardening, walking, and traveling to new places.

**Joe Mack** has recently joined DNS as the Graduate Intern working with the Zoning Section. Mack was a 2000 graduate from Whitnall High School and then attended Bemidji State University (Bemidji, MN) where he earned a Bachelor of Science in Economics and a Business Administration minor from the Honors Program. Mack returned to Milwaukee to continue his education at the University of Wisconsin Milwaukee. Among his hobbies is football where he played Division II in college.

**Christopher Holubowicz** was originally hired by DNS on April 12, 2004 as a Code Enforcement Inspector Intern. He started his new job in Commercial on February 28, 2005. He graduated with honors from UW-La Crosse with a B.A. in Political Science. He has two children with his wife Pam. He has



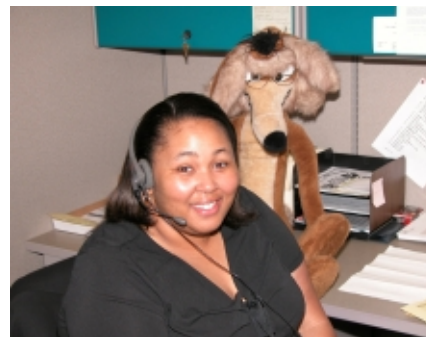
L to R : Christopher Holubowicz, Rebecca Rabatin and Dan Zoladkiewicz.

a cocker spaniel named Romeo. Chris's hobbies include spending time at his cottage and golf.

**Rebecca (Becky) Rabatin** started with DNS on March 28 as a Commercial Code Enforcement Inspector. She earned a BS in Construction Engineering Technology from Purdue University Calumet. She has two grown children, a son, Mauro and, a daughter, Stephany. Ms. Rabatin's hobbies include film, historical preservation, traveling, and reading; she also enjoys doing volunteer work with the Wisconsin Chapter of Huntington's Disease Society of America.

**Dan Zoladkiewicz** is a new plumbing inspector. Dan is returning to plumbing inspection after 14 years. He became a journeymen plumber in 1974 and a master plumber in 1986. Dan says he has been married to his beautiful wife Lynda for the past 22 years. They also enjoy their golden retriever Annie and visiting flea markets. (Humm...wonder what the dog thinks about flea markets.)

**Kimberly Stricklen** is a new administrative office assistant in the Property Recording Section. Kimberly started with the City of Milwaukee (MPS) in March, 94 as a School Secretary, then transferred to DNS Property Recording - Office Assistant on March 28, 2005. Kim is happily single and has no children. She is enjoying life with traveling, and spending quality time with family, friends and Wiley the Coyote (provided by her co-workers).



Kimberly Stricklen works under the watchful eye of Wylie Coyote in the Property Recording Section.

## Promotions and Retirements

In the world of promotions, **Tim Bolger**, former Commercial Inspector has joined the Construction Section. **Hal Jenkins**, former Plumbing Inspector was promoted to Cross-Connection Assistant Supervisor. **Angela Ferrill** is a new Zoning Inspector. **Sue Sloniker** is the new Court Enforcement Inspector. **Jennifer Klouda** is now a Special Enforcement Inspector. **Pearlie Brown** from Nuisance and **Ed Hofman** from Zoning have retired. ☺

## Teenagers to Help Store Owners Clean up Their Advertising Act

They are as common as dandelions in Spring. They choke out nearly all exterior light sometimes. Now some Milwaukee teenagers are warning store owners to open up their windows and comply with the City's signage rules.

Codes governing signage have been on the books for decades. Three years ago the ordinance was revised and became stricter especially regarding permanent signs in store front windows and temporary signs. Beginning this year, DNS received additional help from the Milwaukee Health Department in enforcing the sign codes for small retail businesses. "Operation Store Front" aims to clear the clutter that covers most small store windows. The code requires that no more than 50% of the window be covered with signs or blocked by merchandise racks. Of that 50% only 25% can be temporary meaning it must come down in 30 days. The open windows improve store security, customer confidence and neighborhood curb appeal.

This collaborative partnership includes Milwaukee Health Department Tobacco Control Program, DNS, Strive Media Institute and Community Youth Purpose. The teens contacted store operators and explained the sign ordinance (MCO 295-407) and asked them to please comply and then sent them a letter explaining the code requirements. If the operator failed to comply after receiving the letter, the MHD would then refer the case to DNS for further enforcement.

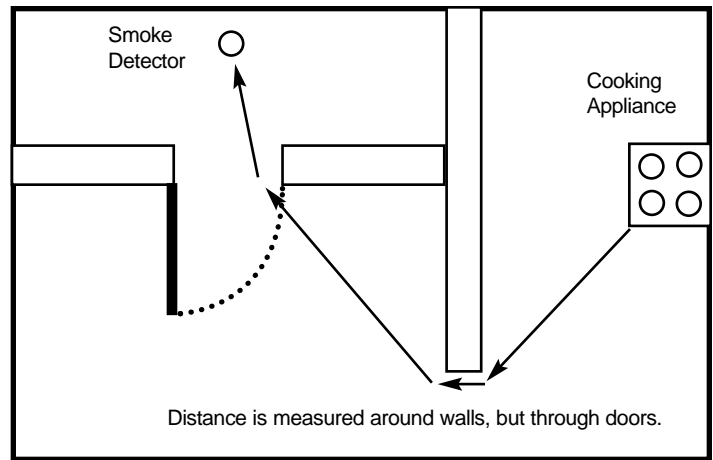
The store front advertising included all illegal signs, but focused on all tobacco advertising, both interior and exterior, as well as product placement. This project is a follow-up with the 2003 and 2004 Operations Storefront Initiative which surveyed all neighborhood zip codes. The MHD received a grant from the DPH to try to minimize the amount of tobacco signs in neighborhoods.

In June Mayor Tom Barrett along with Health Commissioner Bevan Baker and Ron Roberts, Supervisor of Zoning/Condemnation spoke at a press conference to explain the new initiative. The Open Pantry on Oakland Ave. was selected as an example of the correct window signage requirements.

Signs are measured from border to border no matter the transparency. Letters have been sent to the major manufacturers of the products advertised, mostly cigarette and beer distributors. Hopeful the warning coming from the younger generation will change future business practices. ☺



Student workers, Health Commissioner Baker, Zoning Supervisor Roberts, and the Open Pantry owner talk to the media about complying with the City sign ordinance that limits the amount of signs in store front windows. DNS is now writing orders to enforce the new Zoning laws.



## Beat the Rush...Buy a Hush!

### New "HUSH" type detector required if near cooking device

This fall a new kind of smoke alarm is going to be required near the kitchen. Many people are killed each year because they disconnect the batteries from the smoke alarms near the kitchen after cooking triggers a false alarm. In most cases, the battery never goes back in and the alarm never goes off warning them of a real fire.

A smoke alarm should never be placed in a kitchen due to the potential of false alarms caused by cooking smoke. But sometimes, a smoke alarm is required to be placed near a kitchen because the kitchen may be close to bedrooms. The alarms required to be near a kitchen tend to be the ones where the batteries are removed. A recent change in the ordinance requires that any smoke alarm in close proximity to the kitchen must now have a silencing (hush) feature.

By September 21, 2005, every owner shall be required to ensure that **any smoke alarm located within 20 feet of the primary cooking appliance** within each dwelling unit has a silencing switch (hush button).

**Q.** What is a battery operated smoke alarm with a silencing switch (hush button)?

**A.** Standard battery operated alarm devices typically incorporate the detector, the control equipment, and the alarm-sounding device in one unit operated from a power supply within the unit (battery). The silencing switch feature allows a user to cancel the alarm sound for a period of 7 to 15 minutes depending on the type of unit. This is done by pushing the silencing switch on the device. The intent is to discourage users from disconnecting the battery when a false alarm is sounded due to smoke from cooking.

The new "Hush" alarms should help reduce the fatalities based on non-functioning alarms. When the alarm resets, the protection begins and lives can be saved.

Regular smoke detectors can and still should be used inside every bedroom, sleeping area, hallway, finished attic and basement. In newer (built after 1/1/83) multi-family and one/two family dwellings, smoke detectors/alarms must be permanently wired to an unswitched electrical circuit and interconnected with an alarm or with the fire alarm system if one is present. Full details can be found under the Public Information section of the DNS website at: [www.milwaukee.gov/dns](http://www.milwaukee.gov/dns). ☺





## **Graffiti Vandalism at Art Museum Triggers Backlash Against Taggers**

Perhaps not the sharpest crayons in the box is the best way to describe the persons arrested in the graffiti vandalism on the Milwaukee landmark Calatrava addition to the Milwaukee Art Museum.

Alderman Robert Baumen and Commissioner Collins talk to the media after the announcement of arrests of taggers on the famed Calatrava building. Media coverage of the crime helped focus the community's attention that graffiti of any kind is not art. The tools and techniques may be artistic, but until the artist gets permission from the owner, it's plain unvarnished vandalism. The damage to the east wall was quickly cleaned up and the museum is reviewing its video surveillance systems to avoid a repeat occurrence. ☺

## **"Impact Day" Targets Graffiti and Litter Along Railroad Tracks**

About 300 volunteers from Deloitte, the local office of a national accounting firm, helped go after some of the most difficult graffiti and litter in the city. Located along the Canadian Pacific rail lines, the area near Sherman Park was difficult to get access to and featured some steep and difficult terrain. The trains were literally stopped while the employees painted over graffiti and picked up tons of trash that had been tossed from bridges on to the tracks.

Over 300 gallons of paint, 70 paint kits, and three huge dumpsters of trash and tires were removed. Everything from couches, TV sets, shopping carts and fire extinguishers were found. About 200 tires were collected and the police were called to investigate possible illegal tire dumping. Thanks to the Deloitte-Touche employees for the work. Thanks to Sharon Blando, Herlyn Roberson and Tom Cleary of DNS for event coordination assistance. ☺



The city's largest privately supported graffiti and litter cleanup got a send-off from Mayor Barrett in an area along the Canadian Pacific Rail lines in Sherman Park. DNS help coordinate the event with employees from Deloitte.



Want to motivate kids to clean up? Make it a game and add a tool/toy. This group of kids are showing off their orange tongs donated by DNS and the litter they picked up from the Metcalfe Park area. Following the clean-up a full dumpster of debris was collected. DNS follow-up enforcement included the issuing of orders to clean-up against 27 properties and 6 nuisance vehicle removal orders.

## **42 Unit Hotel With Over 200 Violations Closes After Losing License**

Prompted by numerous complaints from neighbors about drug dealing and prostitution, Milwaukee's City Attorneys Office, Milwaukee Police and DNS inspectors conducted a group inspection of the Parkway Hotel, 1570 W. National Ave. in April. The inspection revealed 221 building and fire code violations along with health and sanitary condition violations.

Among the violations, illegal plumbing, electrical and construction work. One unit had no windows after being apparently sub-divided from another unit. Hot plates for cooking were placed on plastic cases in the basement. They were being run off of extension cords. Open holes in many of the walls and floors were noted as well as no toilet paper in many of the common bathrooms, leaking faucets, and open sewer lines in the basement and some units.

At a license renewal hearing before the Utility and Licensing committee, which licenses rooming houses and hotels, inspectors gave testimony to the condition of the building and issuing of 221 violations. Based on the testimony of the inspectors, the committee decided to not renew the license. As a result the hotel was closed August 15th. Community Advocates assisted those displaced with finding new housing. The owner was found guilty in August of numerous code violations.

The DNS operation is a collaboration with a new program being conducted with the City Attorney's office. The Community Base Prosecution Unit (CBPU) includes attorneys Vince Bobot, Jay Unora, Adam Stephens, and Eloisa DeLeon. The attorneys operate out of local police district stations and thus keep a closer watch on crime trends and community issues. The Parkway Hotel had been a sore spot in the community and was one of the first to be acted on by the special unit.

CBPU's next initiative to eliminate known drug houses using the State Statutes governing nuisance drug sales as nuisance factor. State Statutes can require a notified owner to give the City Attorney an implemented plan at eliminating the nuisance. Failure to work with the City Attorney can result in a circuit court injunction resulting in an appointed receiver or up to the loss of the property. ☺

## Landlords to Get Help in Dealing with Destructive Tenants

For as long as anyone can remember, if a tenant trashed the inside of an apartment and the owner called the police, the MPD would tell them it's a "civil matter" and leave. No one, except the tenant in this scenario benefitted from that policy, including DNS.

This spring, Commissioner Collins brokered an agreement between the MPD, the District Attorney and the Apartment Association. Now, the owners have the guidelines under which the tenant can be prosecuted criminally.

Landlords must document the condition of the unit at the time of the lease. Tenants should protect their interests by doing likewise. It requires a minimum of \$750 damage and evidence that will allow the D.A. to prove the case.

As a further step to protecting their investment, all landlords are encouraged to attend the City's free Landlord Training seminar. The four hour program will show the proper techniques for tenant screening, eviction and lease contracts.

A brochure describing this in detail is available on the DNS web site. Full details can be found under the Public Information section of the DNS website at: [www.milwaukee.gov/dns](http://www.milwaukee.gov/dns). Look for brochure DNS-117 Criminal Damage to Property ☺

## Boarded Residential Buildings no Longer Allowed to "Sit"

It is said three things determine property value...location, location, location. A truer saying might be...perception, perception, perception. To that end, the practice of legally keeping homes boarded until market values raise is about to change.

Under a new ordinance change residential buildings boarded for more than 6 months will need to be dealt with. Owners will have 5 choices.

1. Remove the boards.
2. Obtain a rehab permit and submit to DNS a plan to get the building rehabbed within 6 months.
3. Obtain a valid "mothball" permit if the building is designated as a historic building or in a historic district.
4. Obtain a valid demolition permit.
5. List the building for sale with an MLS broker at a reasonable asking price and make the building available to be seen by potential buyers. The code states that assessed value is to be used by DNS to judge whether or not the sales price is reasonable.

If for any reason an owner can not comply, they can appeal to the Standards and Appeals Commission. This is a body of private citizens and is authorized to hear such appeals. Appeal rights are listed on all DNS orders.

For H.U.D. Seal information, select DNS-29 after going to this link:

<http://www.city.milwaukee.gov/display/router.asp?docid=3706>

Full details can be found under the Public Information section of the DNS website at: [www.milwaukee.gov/dns](http://www.milwaukee.gov/dns). ☺

## Commissioner's Corner

### Assessed Value and DNS

by DNS Commissioner

Martin G. Collins



Assessed values are going up in the City. Many property owner's first reaction is "That means my tax bill will be going up!" but that is not true. Assuming that the tax RATE stays the same, the tax bill would go up only if the assessed value increase was greater than the AVERAGE city-wide value increase. But this column is not about tax bills. It is about one of the advantages of increased property values. In the past, Milwaukee had a lot of property whose assessed value was so low that no lender would give anyone a mortgage on it. That meant that only cash buyers could buy them and that meant few repairs.

There is a "canary in the coal mine" here that tells me that higher values have meant a real positive. Years back, when Condemnation inspectors condemned a building, the chances of any adequately funded new buyer stepping forth to rescue it was slim. When I recently asked Chris Kraco from that section how true that still was, he informed me that now days rehabbers were standing in line to buy condemned buildings. They can now get mortgages and can afford to fix them up. A repaired building results in more tax revenue. An increase in assessed value means more equity on which to base a mortgage. A vacant lot means less tax revenue and a blight on the neighborhood,

Do we have a role in improving assessed values? The Realtors list crime and schools as major determinants of why people buy or choose not to buy. We also know that the condition of the property affects the sale price and comparable sales drive the assessment process. Last year DNS staff issued over 47,000 notices to repair code violations and got owners to correct most of them without having to go to court!

Our permit inspection activities result in properties that are built or are repaired to meet code. We train landlords to screen out illegal and destructive activities. We co-administer the Chronic Nuisance Property code and the Noise code with the MPD. This year we negotiated a method for destructive tenants to be held criminally responsible for their vandalism. We have a very active effort to remove investment chilling graffiti, litter and junk cars that would otherwise scream out "Bad Place" We have a city that is nationally noted for its cleanliness and its well maintained appearance, due in part to DNS's code enforcement.

No, we cannot impact the school situation, but it is clear that we can and do act to improve the quality of our city's building stock and help the MPD to improve the quality of our living environment. We do affect people's decision to buy in Milwaukee or to buy elsewhere. We do affect assessed values. Each of us has a role in the DNS process for improving Milwaukee, from filing papers to prosecuting code violators. Our collective efforts are paying off. I thank you all for your daily efforts in making Milwaukee a better place to live. ☺